

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

GCI Outdoor, Inc.,

Plaintiff,

v.

Wholesale Merchandisers LLC,

Defendant.

Case No. _____

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff GCI Outdoor, Inc. (hereinafter “GCI” or “Plaintiff”) brings this action against Wholesale Merchandisers LLC (hereinafter “Wholesale Merchandisers” or “Defendant”) for patent infringement.

PARTIES

1. GCI is a Connecticut corporation with a principal place of business at 457 Killingworth Road, Higganum, Connecticut 06441.
2. Upon information and belief, Wholesale Merchandisers is a limited liability company organized under the laws of Michigan with a principal place of business at 2929 Walker NW, Grand Rapids, Michigan 49544.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338.
4. Wholesale Merchandisers is subject to personal jurisdiction in this Court as evidenced by its systematic and continuous contacts with the Western District of Michigan, and because Wholesale Merchandisers resides in this District. Upon information and belief, Wholesale Merchandisers regularly transacts business in this District and has offered for sale the infringing products that are the subject of this action into this District.

5. Venue is proper in this jurisdiction pursuant to, *inter alia*, 28 U.S.C. § 1391.

BACKGROUND

6. This is an action for injunctive relief and damages arising from Wholesale Merchandisers' infringement of GCI's patent under 35 U.S.C. § 271.

7. GCI designs, manufactures and sells portable and collapsible articles of furniture, including but not limited to collapsible and portable rocking chairs, such as GCI's Freestyle Rocker™, Mesh Freestyle Rocker™, Beach Rocker™ and FirePit Rocker™ (collectively hereinafter GCI's "Director Chair Rockers").

8. Since GCI was founded in 1996, innovation has played an important role in each product GCI designs. GCI owns over a dozen U.S. patents directed to a variety of outdoor furniture, such as chairs, tables, and other equipment.

9. GCI's ingenuity, unsurpassed customer service, and continued investment in innovation have made it a leader in the outdoor products industry. GCI produces feature-rich, innovative products that align with its company philosophy, "Think Outside.™"

10. Owners, Co-Presidents, and lifelong friends Dan Grace and Jeff Polke have grown GCI into a world-wide business, headquartered in Higganum, Connecticut. Today, GCI's products are sold by over 250 retailers in more than 3,000 stores worldwide.

11. GCI's line of Director Chair Rockers was introduced in 2013. These products were an immediate success, and their sales have grown rapidly since their introduction.

12. U.S. Patent No. 9,060,611 (hereinafter "the '611 Patent"), entitled "Collapsible and Portable Rocking Chair," was duly and legally issued to inventor Daniel R. Grace on June 23, 2015. A true and correct copy of the '611 Patent is attached hereto as Exhibit A.

13. Plaintiff GCI is the owner of the '611 Patent and holds all right, title and interest in and to the patent including the right to sue for infringements past and present.

14. GCI's Director Chair Rockers are marked with the '611 Patent number, and have been since at least September 2015.

15. Some of the research efforts that went into designing GCI's Director Chair Rockers are detailed in the '611 Patent. For example, the '611 Patent describes improvements to both comfort and use, which were lacking in prior products. See, e.g., Exh. A, '611 Patent, col. 1, ll. 33-36 ("[T]he resulting furniture designs and particularly the designs for chairs and seats have usually incorporated some reduction in size, as compared to the full-sized article, with a corresponding reduction in the level of seating comfort."), col. 1, ll. 39-42 ("[L]ittle has been done to optimize the collapsibility and portability of the full-sized article without compromising comfort, which is a goal of the present invention."), col. 2, ll. 19-22 ("[T]here is a desire for a rocking chair that is likewise foldable and portable, so that a user at a picnic or an outdoor event can rock in their chair or recline as desired.").

16. The '611 Patent recognizes that the design and construction of prior portable chairs rendered them incapable of rocking reliably and securely. *Id.* at col. 2, ll. 22-25. When components were added that allowed the chair to rock, these additions hindered the chair's ability to be easily foldable or increased its weight so as to make transporting the chair cumbersome. *Id.* at col. 2, ll. 25-28.

17. The '611 Patent also describes how the construction of conventional rocking chairs made them ill-suited to use outdoors. For example, the '611 Patent explains that the use of arched rails in outdoor rocking chairs resulted in there being only a single contact point with the ground. *Id.* at col. 2, ll. 30-34. This single contact point on each rail caused an "increased risk that one or both sides of the chair will sink into [the ground] or get bogged down." *Id.* at col. 2, ll. 32-38. Against this backdrop, inventor Daniel Grace set out to improve upon the inferior designs available at the time. He recognized the need for an outdoor chair that could allow a user to rock without compromising the user's safety or the chair's stability, and that could be easily folded with "minimal effort." *Id.* at col. 2, l. 56 to col. 3, l. 5.

18. Mr. Grace's efforts resulted in the '611 Patent, among others, which describes his solutions to the problems of the prior art. One example of the chair described in GCI's patents is shown in Figure 2 of the '611 Patent:

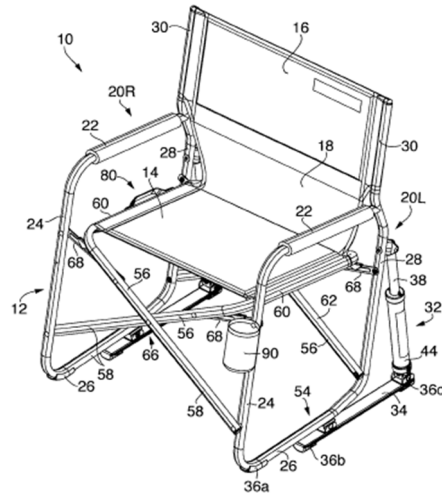


FIG. 2

19. The chair in Figure 2 can assume a “forward position” in which the chair does not rock but rather sits stably. *Id.* at col. 7, ll. 27-30. When a user shifts her weight backward (for example, onto rocking mechanism 32), first foot 36a lifts from the ground, and the chair is supported on second foot 36b and third foot 36c in order to rock. *Id.* at col. 7, ll. 33-35.

20. The ‘611 Patent also describes a “rocker mechanism” that facilitates stable rocking of the chair. In one embodiment, shown in Figure 6, rocker mechanism 32 includes a spring 46 and a tubular member 38 both disposed within a sleeve 44. *Id.* at col. 7, ll. 42-48. When a user shifts her weight backward, tubular member 38 slides downward within sleeve 44 against the force of spring 46. *Id.* at col. 8, ll. 2-12. The rocker mechanism prevents the chair

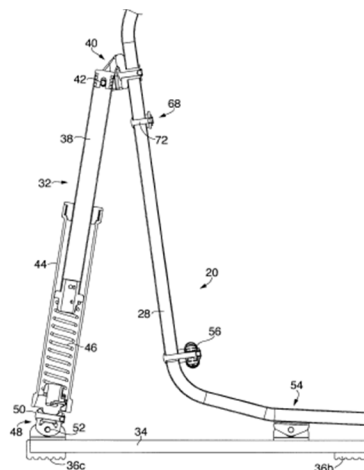
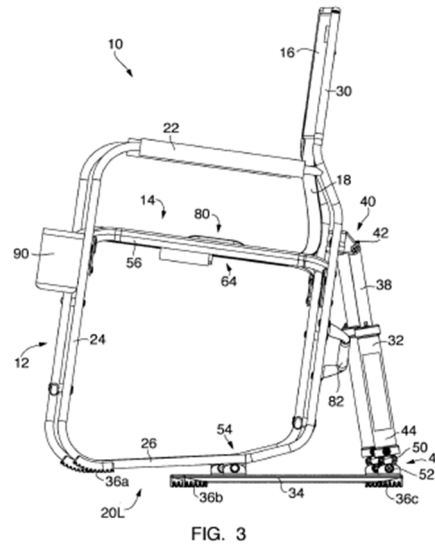


FIG. 6

from tipping and adds stability to the chair while rocking. *Id.* at col. 8, ll. 5-12. Additional embodiments of the “rocker mechanism” are also disclosed. See *id.* at col. 11, ll. 16-32.

21. In one embodiment, the chair rocks by pivoting on fulcrum 54, *id.* at col. 7, l. 65 to col. 8, l. 2, as shown in Figure 3:



22. The ‘611 Patent additionally describes a chair that is collapsible. For example, in one embodiment, the chair moves from a “set-up” position (as shown in Figure 2) to a “collapsed” position (as shown in Figure 7) by folding cross members 56 inwardly, pivoting the cross members about pivot points 64 and 66. *Id.* at col. 8, l. 56 to col. 9, l. 11; col. 12, ll. 28-36. These cross members not only facilitate easy folding of the chair, they also support the chair by balancing and redistributing the forces on frame 12. *Id.* at col. 9, ll. 12-16.

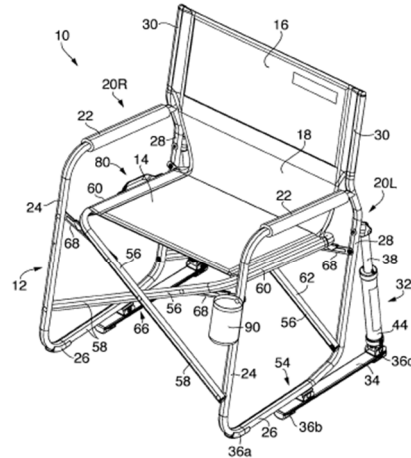


FIG. 2

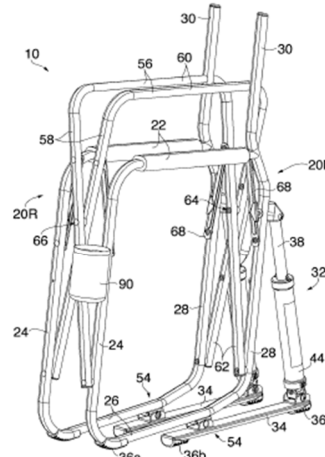


FIG. 7

23. To move the chair from the “collapsed” position to the “set-up” position in this embodiment, a user pulls outwardly on each frame side assembly 20L and 20R or the cross-members 56 until the cross-members 56 pivot to the desired X-shaped condition and the chair frame 12 snaps into its set-up condition. Id. at col. 12, ll. 39-44.

24. These and other features of the chairs described in the ‘611 Patent solve the problems that Mr. Grace identified in the prior art.

25. On information and belief, Wholesale Merchandisers sells, offers for sale, designs, manufactures, imports, and/or has had manufactured and/or imported on its behalf certain collapsible and portable rocking chairs.

26. For example, Wholesale Merchandisers sells within the United States, imports into the United States, and/or sells for importation into the United States a collapsible, portable, lightweight outdoor rocking chair called the Glide Zone Rocker Chair. True and correct copies of images of the Glide Zone Rocker product are attached hereto in Exhibit B.

27. On or about June 20, 2019, GCI discovered that Wholesale Merchandisers was exhibiting and offering the Glide Zone Rocker Chair for sale at the Outdoor Retailer Show, in Denver, Colorado. A true and correct copy of a photograph of the Glide Zone Rocker Chair viewed at the 2019 Outdoor Retailer Show is attached hereto in Exhibit C.

28. On or about January 2020, GCI purchased a Glide Zone Rocker Chair in Ohio. True and correct copies of the Glide Zone Rocker Chair as displayed for sale are attached hereto in Exhibit D.

29. Upon information and belief, the Glide Zone Rocker Chair is manufactured for Wholesale Merchandisers by Zhejiang Pride Leisure Product, of Wuyi, China (hereinafter “Zhejiang Pride”), as indicated by the sewn-in law label on the Glide Zone Rocker. Zhejiang Pride is registered in the Utah Department of Agriculture and Food with Registration No. UT-3522 (CN), which matches the manufacturer information on the Glide Zone Rocker sewn-in law label. A true and correct copy of an image of the Glide Zone Rocker sewn-in law label is attached hereto in Exhibit E.

30. Plaintiff GCI had a prior business relationship with Zhejiang Pride in connection with the manufacture of collapsible and portable articles of furniture.

31. Upon information and belief, Wholesale Merchandisers has at all times acted with knowledge of GCI’s ‘611 Patent.

COUNT
(Infringement of U.S. Patent No. 9,060,611)

32. Plaintiff repeats and re-alleges each and every allegation set forth in the foregoing Paragraphs as if fully set forth herein.

33. The ‘611 Patent was duly and legally issued on June 23, 2015 to GCI, and is currently in full force and effect and has been since the date of issuance.

34. Wholesale Merchandisers sells, offers to sell, imports, has sold, has offered to sell, and has imported collapsible and portable rocking chairs which infringe, or the use of which infringe, the ‘611 Patent. The infringing products include the Glide Zone Rocker Chair.

35. Wholesale Merchandisers sells, offers to sell, imports, has sold, has offered to sell, and has imported these collapsible and portable rocking chairs with actual knowledge of GCI’s ‘611 Patent.

36. Representative claims of the '611 Patent and a chart showing how Defendant's Glide Zone Rocker Chair infringes the '611 Patent (with reference to the images attached hereto in Exhibit B) are provided below.

U.S. Pat. No. 9,060,611 Claim 1	Wholesale Merchandisers Glide Zone Rocker Chair
A collapsible and portable rocking chair comprising:	The Wholesale Merchandisers Glide Zone Rocker Chair is a collapsible and portable rocking chair. (<i>See Atts. B-1 to B-4; see also Att. B-7 ("Smooth rocking motion"; "Carry handles make transporting easy"; "Folds flat for easy storage")</i>).
a chair frame comprising a pair of frame side assemblies having substantially mirrored construction and	The Wholesale Merchandisers Glide Zone Rocker Chair includes a chair frame comprising a pair of frame side assemblies A having substantially mirrored construction. (<i>See Att. B-1</i>).
being relatively movable with respect to one another between a set-up condition of said chair where said frame side assemblies are transversely spaced apart from one another and a collapsed condition of said chair where said frame side assemblies are generally adjacent to one another,	The frame side assemblies A are movable with respect to one another. (<i>See Atts. B-1, B-4</i>). The Wholesale Merchandisers Glide Zone Rocker Chair has a set-up condition where the frame side assemblies A are transversely spaced apart from one another (<i>see Att. B-1</i>) and a collapsed condition where the frame side assemblies are generally adjacent to one another. (<i>See Atts. B-4 & B-7 ("Folds flat for easy storage")</i>).
each frame side assembly including a front leg portion and	Each side frame assembly A includes a front leg portion B . (<i>See Atts. B-1, B-2</i>).
a rear leg portion;	Each side frame assembly A includes a rear leg portion C . (<i>See Att. B-2</i>).
a pair of generally U-shaped cross members pivotally connected to one another for pivotal movement between	The Wholesale Merchandisers Glide Zone Rocker Chair includes a pair of generally U-shaped cross members D pivotally connected to one another for pivotal movement about a pivot axis E . (<i>See Atts. B-1, B-4</i>).
an open condition wherein said cross members are disposed to generally resemble an X-shaped configuration and	The cross members D have an open condition where they are disposed to generally resemble an X-shaped configuration. (<i>See Att. B-1</i>).

a closed condition wherein said cross members are disposed in generally parallel relationship with one another,	The cross members D have a closed condition where they are disposed in generally parallel relationship with one another. (<i>See Att. B-4</i>).
said cross members collectively defining a seat support when in the open condition;	The cross members D collectively define a seat support F when in the open condition. (<i>See Att. B-1</i>).
each cross member having terminal ends thereof pivotally secured to the front leg portion and the rear leg portion of one of the frame side assemblies;	Each cross member D has terminal ends G pivotally secured to the front leg portion B and the rear leg portion C of one of the frame side assemblies A . (<i>See Atts. B-1, B-2</i>).
a flexible seat panel mounted between the cross members and defining a generally taut seat when the cross members are in the open condition;	A flexible seat panel H is mounted between the cross members D and defines a generally taut seat when the cross members D are in the open condition. (<i>See Atts. B-1, B-3</i>).
a fulcrum point supporting the chair frame	The chair frame is supported on a fulcrum point I . (<i>See Atts. B-1, B-3, B-5</i>).
and about which said chair frame can move between forward and rearward positions; and	The chair frame moves about the fulcrum point I between forward and rearward positions as the chair is rocked. (<i>See Atts. B-3, B-7 ("Smooth rocking motion")</i>).
at least one rocker mechanism attached to the chair frame for supporting the chair during movement of the chair frame between said forward and rearward positions;	A rocker mechanism J is attached to the chair frame and supports the chair during rocking movement. (<i>See Atts. B-2, B-3, B-4, B-6</i>).
wherein the open and closed conditions of the cross members generally correspond to the set-up and collapsed conditions of the chair.	The open and closed conditions of the cross members D correspond to the set-up and collapsed conditions of the chair. (<i>See Atts. B-1, B-4</i>).

U.S. Pat. No. 9,060,611 Claim 2	Wholesale Merchandisers Glide Zone Rocker Chair
The collapsible and portable rocking chair according to claim 1, wherein each frame side assembly maintains at least two contact points with the support surface on which said frame side assembly is set up.	Each side frame assembly A of the Wholesale Merchandisers Glide Zone Rocker Chair maintains at least two contacts points K with the support surface on which the chair is set up. (<i>See Atts. B-1, B-3, B-4, B-5</i>).

U.S. Pat. No. 9,060,611 Claim 3	Wholesale Merchandisers Glide Zone Rocker Chair
The collapsible and portable rocking chair according to claim 1, wherein said rocker mechanism is attached to the rear of at least one of the frame side assemblies.	The rocker mechanism J is attached to the rear of each side frame assembly A of the Wholesale Merchandisers Glide Zone Rocker Chair. (<i>See Atts. B-2 & B-3</i>).

U.S. Pat. No. 9,060,611 Claim 4	Wholesale Merchandisers Glide Zone Rocker Chair
The collapsible and portable rocking chair according to claim 3, wherein said rocker mechanism comprises a tubular extension member projecting outwardly and downwardly from the rear of at least one of the frame side assemblies	The rocker mechanism J includes a tubular extension U that projects outwardly and downwardly from the rear of each side frame assembly A of the Wholesale Merchandisers Glide Zone Rocker Chair. (<i>See Atts. B-2 to B-4</i>).
and received within a sleeve housing a spring to which the tubular member is attached.	The rocker mechanism J includes a tubular extension U that is received within a sleeve V and attached to a spring W housed within the sleeve V . (<i>See Att. B-6</i>).

U.S. Pat. No. 9,060,611 Claim 5	Wholesale Merchandisers Glide Zone Rocker Chair
The collapsible and portable rocking chair according to claim 4, further comprising a pair of static support runners connected to and supporting each frame side assembly via the fulcrum point associated with each said frame side assembly;	Each side frame assembly A of the Wholesale Merchandisers Glide Zone Rocker Chair is supported on a respective static runner X . (<i>See Atts. B-2 to B-4</i>). The side frame assembly A is connected to the runner X via the fulcrum point I . (<i>See Att. B-5</i>).
wherein the sleeve of the rocker mechanism is supported by at least one of said support runners.	The sleeve V of the rocker mechanism J is supported by a static runner X . (<i>See Atts. B-2 to B-5</i>).

U.S. Pat. No. 9,060,611 Claim 8	Wholesale Merchandisers Glide Zone Rocker Chair
The collapsible and portable rocking chair according to claim 1, wherein the rocker mechanism is attached to at least one of the front leg portion and the rear portion of each side frame assembly.	The rocker mechanism J is attached to the rear leg portion C of each side frame assembly A of the Wholesale Merchandisers Glide Zone Rocker Chair. (<i>See Atts. B-2 & B-3</i>).

U.S. Pat. No. 9,060,611 Claim 10	Wholesale Merchandisers Glide Zone Rocker Chair
The collapsible and portable rocking chair according to claim 1, wherein each cross member includes a front portion,	Each cross member D includes a front portion L . (<i>See Atts. B-1, B-2, B-4</i>).
a central front-back portion, and	Each cross member D includes a central front-back portion M . (<i>See Atts. B-2, B-4</i>).
a rear portion,	Each cross member D includes a rear portion N . (<i>See Atts. B-2, B-4</i>).
such that the front portions of the pair of cross members are pivotally connected at a front pivot point,	The front portions L are pivotally connected together at a front pivot point O . (<i>See Att. B-1</i>).
the rear portions of the pair of cross members are pivotally connected at a rear pivot point, and	The rear portions N are pivotally connected together at a rear pivot point P . (<i>See Att. B-4</i>).
the central front-back portions collectively define the seat support of the chair and receive the flexible seat panel therebetween for supported [sic] a seated user.	The central front-back portions M collectively define the seat support F and receive the flexible seat panel H therebetween for supporting a seated user. (<i>See Atts. B-1, B-3</i>).

U.S. Pat. No. 9,060,611 Claim 11	Wholesale Merchandisers Glide Zone Rocker Chair
The collapsible and portable rocking chair according to claim 10, further comprising: a forward support brace connected between the front portion of each cross member and the front leg portion of the frame side assembly to which the cross member is not pivotally connected at the terminal end thereof; and	Each cross member D is connected to front leg portion B of the frame side assembly A to which it is not pivotally connected at its terminal end G by a forward support brace Q . (<i>See Att. B-1</i>). The forward support brace Q is connected to the front portion L of the cross member D . (<i>See Att. B-1</i>).
A rear support brace connected between the rear portion of each cross member and the rear leg portion of said frame side assembly.	Each cross member D is connected to rear leg portion C of the frame side assembly A to which it is not pivotally connected at its terminal end G by a rear support brace R . (<i>See Att. B-3</i>). The rear support brace R is connected to the rear portion N of the cross member D . (<i>See Att. B-3</i>).

U.S. Pat. No. 9,060,611 Claim 13	Wholesale Merchandisers Glide Zone Rocker Chair
The collapsible and portable rocking chair according to claim 1 further comprising a backrest support member connected to each frame side assembly; and	A backrest support member S is connected to each frame side assembly A . (<i>See Atts. B-1, B-3, B-4</i>).
A flexible backrest support panel mounted between said backrest support members and defining a generally taut back support when the chair is in its set-up condition.	A flexible backrest support panel T is mounted between the backrest support members S and define a generally taut back support when the chair is in its set-up condition. (<i>See Atts. B-1, B-2</i>).

U.S. Pat. No. 9,060,611 Claim 14	Wholesale Merchandisers Glide Zone Rocker Chair
A collapsible and portable rocking chair comprising:	The Wholesale Merchandisers Glide Zone Rocker Chair is a collapsible and portable rocking chair. (<i>See Atts. B-1 to B-4; see also Att. B-7 ("Smooth rocking motion"; "Carry handles make transporting easy"; "Folds flat for easy storage")</i>).
a chair frame comprising a pair of frame side assemblies having substantially mirrored construction and	The Wholesale Merchandisers Glide Zone Rocker Chair includes a chair frame comprising a pair of frame side assemblies A having substantially mirrored construction. (<i>See Att. B-1</i>).
being relatively movable with respect to one another between a set-up condition of said chair where said frame side assemblies are transversely spaced apart from one another and a collapsed condition of said chair where said frame side assemblies are generally adjacent to one another,	The frame side assemblies A are movable with respect to one another. (<i>See Atts. B-1, B-4</i>). The Wholesale Merchandisers Glide Zone Rocker Chair has a set-up condition where the frame side assemblies A are transversely spaced apart from one another (<i>see Att. B-1</i>) and a collapsed condition where the frame side assemblies are generally adjacent to one another. (<i>See Atts. B-4 & B-7 ("Folds flat for easy storage")</i>).
each frame side assembly including a front leg portion and	Each side frame assembly A includes a front leg portion B . (<i>See Atts. B-1, B-2</i>).
a rear leg portion;	Each side frame assembly A includes a rear leg portion C . (<i>See Att. B-2</i>).
a fulcrum point supporting each frame side assembly and	The chair frame is supported on a fulcrum point I . (<i>See Atts. B-3, B-5</i>).

about which said chair frame can move between forward and rearward positions whereby the front and rear leg portions move relative to the support surface on which the chair is set up with movement of the chair frame about the fulcrum points;	The chair frame moves about the fulcrum point I between forward and rearward positions as the chair is rocked. (See <i>Atts. B-3, B-7</i> (“ <i>Smooth rocking motion</i> ”). The front leg member B and the rear leg member C each move relative to the support surface/ground as the chair rocks. (See <i>Atts. B-2 & B-3</i>).
a pair of generally U-shaped cross members pivotally connected to one another for pivotal movement between	The Wholesale Merchandisers Glide Zone Rocker Chair includes a pair of generally U-shaped cross members D pivotally connected to one another for pivotal movement about a pivot axis E . (See <i>Att. B-1</i>).
an open condition wherein said cross members are disposed to generally resemble an X-shaped configuration and	The cross members D have an open condition where they are disposed to generally resemble an X-shaped configuration. (See <i>Att. B-1</i>).
a closed condition wherein said cross members are disposed in generally parallel relationship with one another,	The cross members D have a closed condition where they are disposed in generally parallel relationship with one another. (See <i>Att. B-4</i>).
said cross members collectively defining a seat support when in the open condition;	The cross members D collectively define a seat support F when in the open condition. (See <i>Att. B-1</i>).
each cross member having terminal ends thereof pivotally secured to the front leg portion and the rear leg portion of one of the frame side assemblies;	Each cross member D has terminal ends G pivotally secured to the front leg portion B and the rear leg portion C of one of the frame side assemblies A . (See <i>Atts. B-1 & B-2</i>).
a flexible seat panel mounted between the cross members and defining a generally taut seat when the cross members are in the open condition;	A flexible seat panel H is mounted between the cross members D and defines a generally taut seat when the cross members D are in the open condition. (See <i>Att. B-1</i>).
a first foot associated with the front leg portion of each frame side assembly;	A first foot U is associated with the front leg portion B of the side frame assembly A . (See <i>Atts. B-3, B-5</i>).
a second foot associated with the rear leg portion of each frame side assembly; and	A second foot V is associated with the rear leg portion C of the side frame assembly A . (See <i>Atts. B-3, B-5</i>).
a third foot associated with the fulcrum point of each frame side assembly;	A third foot W is associated with the fulcrum point I of the side frame assembly A . (See <i>Atts. B-3, B-5</i>).

wherein each frame side assembly contacts the support surface on which said frame assembly is set up with at least two of the first, second and third feet at all positions of the chair frame.	Each frame side assembly A contacts the support surface with at least the first foot U , the second foot V , and the third foot W when the Wholesale Merchandisers Glide Zone Rocker Chair is in its forward-most position. (<i>See Att. B-2</i>). Additionally, each frame side assembly A contacts the support surface with at least the first foot U , the second foot V and the third foot W when the Wholesale Merchandisers Glide Zone Rocker Chair is in its rearward-most position. (<i>See Att. B-3</i>).
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U.S. Pat. No. 9,060,611 Claim 15	Wholesale Merchandisers Glide Zone Rocker Chair
The collapsible and portable rocking chair according to claim 14, further comprising at least one rocker mechanism attached to the chair frame for supporting the chair during movement of the chair frame between the forward and rearward positions	A rocker mechanism J is attached to the chair frame and supports the chair during rocking movement. (<i>See Atts. B-2, B-3, B-6</i>).

U.S. Pat. No. 9,060,611 Claim 16	Wholesale Merchandisers Glide Zone Rocker Chair
The collapsible and portable rocking chair according to claim 15, wherein said rocker mechanism comprises a tubular extension member projecting outwardly and downwardly from the rear of at least one of the frame side assemblies	The rocker mechanism J includes a tubular extension U that projects outwardly and downwardly from the rear of each side frame assembly A of the Wholesale Merchandisers Glide Zone Rocker Chair. (<i>See Atts. B-2 to B-4</i>).
and received within a sleeve housing a spring to which the tubular member is attached.	The rocker mechanism J includes a tubular extension U that is received within a sleeve V and attached to a spring W housed within the sleeve V . (<i>See Att. B-6</i>).

U.S. Pat. No. 9,060,611 Claim 17	Wholesale Merchandisers Glide Zone Rocker Chair
The collapsible and portable rocking chair according to claim 16, further comprising a pair of static support runners connected to and supporting each frame side assembly via the fulcrum point associated with each said frame side assembly;	Each side frame assembly A of the Wholesale Merchandisers Glide Zone Rocker Chair is supported on a respective static runner X . (<i>See Atts. B-2 to B-4</i>). The side frame assembly A is connected to the runner X via the fulcrum point I . (<i>See Att. B-5</i>).

wherein the sleeve of the rocker mechanism is supported by at least one of said support runners.	The sleeve V of the rocker mechanism J is supported by a static runner X . (<i>See Atts. B-2 to B-5</i>).
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U.S. Pat. No. 9,060,611 Claim 19	Wholesale Merchandisers Glide Zone Rocker Chair
The collapsible and portable rocking chair according to claim 15, wherein the rocker mechanism is attached to at least one of the front leg portion and the rear leg portion of each side frame [sic] assembly.	The rocker mechanism J is attached to the rear leg member C of each side frame assembly A of the Wholesale Merchandisers Glide Zone Rocker Chair. (<i>See Atts. B-2, B-3</i>).

37. GCI has been damaged as a result of Wholesale Merchandisers' acts of patent infringement in an amount to be determined at trial.

38. GCI will suffer imminent and irreparable injury unless this Court enjoins Wholesale Merchandisers from further acts of infringement.

39. Wholesale Merchandisers' acts of infringement have been carried out deliberately and willfully and without the consent of GCI.

40. GCI has complied with the requirements of 35 U.S.C. § 287 by marking its products with the '611 Patent.

41. This is an exceptional case entitling GCI to an award of attorneys' fees under 35 U.S.C. § 285.

42. In light of the above facts and allegations, Wholesale Merchandisers is infringing and has infringed the '611 Patent in violation of 35 U.S.C. § 271, by developing, using, offering to sell, and/or selling in the United States or importing into the United States the infringing collapsible and portable rocking chairs.

43. Wholesale Merchandisers is infringing and has infringed the '611 Patent by offering to sell or selling within the United States or importing into the United States a component of a product or system that falls within the scope of the '611 Patent, or a material or apparatus for use in practicing a method or process that falls within the scope of the '611 Patent, constituting a

material part of the '611 Patent, knowing the same to be especially made or especially adapted for use in an infringement of the '611 Patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

44. Wholesale Merchandisers is infringing and has infringed the '611 Patent by actively inducing direct infringement of the '611 Patent by third parties.

45. Wholesale Merchandisers is selling, offering for sale, importing and has sold, imported, and delivered its infringing rocking chairs to customers inside the United States and this District which are used by those customers to directly infringe at least one claim of '611 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff GCI respectfully requests that this Court:

- a. Enter judgment in favor of Plaintiff and against Defendant;
- b. Declare that Defendant has been and is infringing the '611 Patent;
- c. Preliminarily and permanently enjoin Defendant and its officers, agents, and employees and all others in concert or participation with Defendant from further acts of infringement of the '611 Patent under 35 U.S.C. § 283;
- d. Order Defendant to file with this Court and serve on Plaintiff within thirty (30) days after service of an injunction, a report in writing, under oath, setting forth in detail the manner and form in which Defendant has complied with the injunction;
- e. Award damages adequate to compensate Plaintiff for Defendant's infringement of the '611 Patent, together with interest and costs under 35 U.S.C. § 284;
- f. Award treble damages by reasons of Defendant's acts of deliberate and willful infringement of the '611 Patent under 35 U.S.C. § 284;
- g. Declare this litigation to be an "exceptional case" and order Defendant to pay Plaintiff's reasonable attorneys' fees in connection with this action as provided in 35 U.S.C. § 285; and
- h. Award Plaintiff such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff GCI Outdoor, Inc. hereby demands a jury trial on all issues raised by the claims herein and triable of right by a jury.

Dated: April 29, 2020

Respectfully submitted,

By: s/Thomas E. Bejin

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